ATTORNEY DOCKET NO.: 0018-10

JAN 0 9 2005

PATENTS

IN THE UNITED STATES PATENTS AND TRADEMARK OFFICE

In re application of:

Carl E. Fabian, M.D.

Group Art Unit:

Serial No.:

10/650,377

Examiner:

Julie Lieu

3736

Filed:

August 28, 2003

For:

ATTACHMENT OF ELECTRONIC TAGS TO SURGICAL

SPONGES AND IMPLEMENTS

Matter No.:

0018-10

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(b)

In accordance with the duty of disclosure under 37 CFR §1.56, listed on the attached PTO-1449 Form are documents developed by a search conducted during prosecution of Applicant's PCT counterpart. The Examiner may deem these documents to be relevant to patentability of the claims of the above-identified application. A copy of each of the documents is enclosed for the convenience of the Examiner.

The submission of the listed documents is not intended as an admission that any of the documents constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicants respectfully request that the listed documents be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The present Supplemental Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date

of the first Office Action on the merits, but before a Final Office Action or Notice of Allowance (whichever is earlier), and therefore Applicant is filing concurrently herewith a Certification under 37 CFR §1.97(e). In light of the foregoing, it is understood that no fee under 37 CFR §1.17(p) is required. However, in the event that the Commissioner deems that an additional fee is required, it is respectfully requested that applicant's attorney be contacted and accorded an opportunity to pay such additional fee.

Respectfully submitted,

Ernest D. Buff Reg. No. 25,833

Enclosures

Ernest D. Buff & Associates, LLC 231 Somerville Road Bedminster, New Jersey 07921 (908) 901-0220

Dated: January 6, 2006

Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on January 6, 2006

Signature

Ernest D. Buff

Attorney of Record

January 6, 2006

(Date)

0018-10-IDS-SUPP

Attorney Docket No.: 0018-10 PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CERTIFICATION UNDER 37 CFR §1.97 (e) ACCOMPANYING SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir/Madam:

Applicant hereby certifies that each item of information contained in the Supplemental Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

Ernest D. Buff Reg. No. 25,833

Ernest D. Buff & Associates, LLC 231 Somerville Road Bedminster, New Jersey 07921 (908) 901-0220

Date: January 6, 2005 0018-10 IDSSUPP-CERT

FORM PTO-1449 (Rev. 2-32)		U.S. DEPARTMENT PATENT AND TRA			SERIAL NO.: 10/650,377	7			
	LEMEN STA	TAL INFORMATION I	DISCLOSURE ANT	APPLICANT: Carl E. Fabian.					
AN 0 9 7006	<i>1</i> 2	several sheets if necessary)		FILING DATE: August 28, 2003	GROUP: 3736				
			U.S. PATE	ENT DOCUMENTS					
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLA SS	FILING I		
		6,359,563	03-19-02	Herzer	340	572.6	02-10)-99	
		6,407,676	06-18-02	Tanji, et al.	340	993	08/27	7/98	
							,		
		U.S.	PATENT APP	LICATION PUBLICATION	ON				
									
		DOCUMENT NUMBER	DATE	PATENTEE OR APPLICANT	CLASS	SUBCLA SS	Filing Date		
		2002/0005783	01-17-02 In	Irizarry, Hector et al.	340	572.1	09/13/01		
		,							
		-							
		OTHER DOCUM	ENTS (Includin	g Author, Title, Date, Per	tinent Pages,	etc.)			
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EXAMINER			 	DATE CONSID	ERED				

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO 1449 [6-4])